

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1944 – HB 2092

March 13, 2018

SUMMARY OF ORIGINAL BILL: Classifies the offense of continuous sexual abuse of a child as a violent sexual offense.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014410): Adds language to the proposed legislation to clarify that any conviction under Tenn. Code Ann. § 39-13-518 shall be punished within the range for which the defendant was convicted, regardless of the range for which they would otherwise qualify.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-39-202(31) establishes what constitutes a “violent sexual offense”.
- The proposed legislation adds the offense of “continuous sexual abuse of a child,” under Tenn. Code Ann. § 39-13-518, to the list of offenses that are tracked under the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.
- The proposed legislation clarifies that a conviction under Tenn. Code Ann. § 39-13-518, shall be sentenced from within the full range of punishment for the offense of which the defendant was convicted, regardless of the range for which they would otherwise qualify.
- Therefore, a person convicted under Tenn. Code Ann. § 39-13-518 cannot currently be sentenced as a mitigated offender or a career offender. The proposed legislation could result in a decrease of state incarceration costs if a defendant currently sentenced as a Range I offender is sentenced as a mitigated offender. Conversely, the proposed

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legislation could result in an increase of state incarceration costs if a defendant currently sentenced as a Range III offender is sentenced as a career offender.

- Tennessee Code Annotated § 39-13-518 was enacted in 2014. Statistics from the Department of Correction (DOC) show one admission in the last three years.
- Because of the low number of admissions and the fact that the proposed legislation could result in either a decrease or increase in state incarceration costs, it is assumed that any net impact to state incarceration costs is not significant.
- The proposed legislation will have no impact to the caseloads of the courts, public defenders, and district attorneys.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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